IN THE HIGH COURT OF JUDICATURE AT BOMBAY

ORDINARY ORIGINAL CIVIL JURISDICTION

INCOME TAX APPEAL (LODG.) NO.298 OF 2003

The Commissioner of Income-tax ..Appellant.

V/s.

Late Shri P.R. Kamani
L/h. D.P.Kamani ..Respondent.

Mr.A.N.Kotangale for appellant.

Mr.V.B.Joshi with S.G.Dalal for respondent.

CORAM : H.L.GOKHALE AND
J.P.DEVADHAR, JJ.

DATED : 3RD OCTOBER, 2006.

P.C. :-

. Heard Mr.Kotangale for the appellant. Mr. Joshi appears for respondent. The assessment of income of the respondent for the assessment year 1966-67 was finalised under section 143(3) on 28/11/1968. More than 21 years passed and on 29th March, 1990 notice under section 148 was issued to reopen the assessment. The assessing officer passed an assessment order permitting the reopening. That order was upturned by the C.I.T. (A) and the order passed by the C.I.T. (A) is left undisturbed by the Tribunal by its order dated 24/6/2002. It is this order which is sought to be

challenged in the present appeal.

. The question of law which is sought to be raised is as follows:-

> "Whether on the facts and in the circumstances of the case and in law, the Tribunal was justified in upholding the order of the CIT (A) holding that the assessment order for A.Y. 1966-67 as null and void on the ground that the freezing of the period till the case is pending with the Settlement Commission was not covered u/s. 245HA(3) ? "

2. In our view, in the facts of the present case, the period of limitation prevalent at the relevant time was 16 years and that was over long back and, therefore, there was no question of reopening the assessment which was finalised some 21 years earlier. There is no error in the decision given by the Tribunal. No substantial question of law arise in this case. Hence appeal is dismissed.

(H.L.GOKHALE, J.)

(J.P.DEVADHAR, J.)